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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

14 UNITED STATES OF AMERICA,) CASE NO. CR 14-0306 WHA
15 Plaintiff,)
16 v.) UNITED STATES' MOTION TO STRIKE
17 LUKE D. BRUGNARA,) DEFENDANT'S FILINGS
18 Defendant.)
19 _____)

20 On June 2, 2015, defendant made six handwritten filings with this Court. Dkt. 653–658.

21 Defendant is now represented by counsel. Dkt. 639 (appointing George Boisseau and Dena Young for
22 all purposes). As this Court repeatedly instructed defendant when he was previously represented by
23 Attorney Babcock, Dkt. 143, 172, 327; CR 08-00222, Dkt. 402, 412, he is not permitted to file pro se
24 when represented by an attorney. The government moves to strike these six filings, as they were not
25 made by defendant's counsel.

26 One of the filings purports to “notif[y] this Court” and “affirm[]” defendant's pro se status.
27 Defendant is no longer pro se. As this Court has previously explained to defendant, Dkt. 327, if he
28 wishes to go pro se, he must make a motion through his attorney. If he does make such a motion, this

1 Court should deny it based on defendant's exceptional misconduct during trial. *See, e.g., Faretta v.*
2 *California*, 422 U.S. 806, 834 (1975) (a court "may terminate self-representation by a defendant who
3 deliberately engages in serious and obstructionist misconduct"); *McKaskle v. Wiggins*, 465 U.S. 168,
4 173 (1984) (explaining that if defendant cannot "abide by rules of procedure and courtroom protocol"
5 such that trial cannot move forward, this court may exercise its discretion to terminate defendant's self-
6 representation); *United States v. Mack*, 362 F.3d 597, 601 (9th Cir. 2004) ("A defendant does not forfeit
7 his right to representation at trial when he acts out. He merely forfeits his right to represent himself in
8 the proceeding.").

9
10 Respectfully submitted,

11 MELINDA HAAG
12 United States Attorney

13 DATED: June 3, 2015

14 _____/s/
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16 BENJAMIN KINGSLEY
17 Assistant United States Attorneys
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